

CARLSMITH BALL LLP

J.PATRICK MASON

Bank of Hawaii Bldg., Suite 401

134 West Soledad Avenue, P.O. Box BF

Hagåtña, Guam 96932-5027

Tel No. 671.472.6813

Attorneys for Defendant

A.W. Chesterton Company

FILED
DISTRICT COURT OF GUAM

DEC - 9 2005 *JP*

MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

CESS NAVARRO OLMO and RONNIE
PASCUAL FERRERAS,

Plaintiffs,

vs.

A.P. GREEN INDUSTRIES, INC., A.P.
GREEN SERVICES, INC., A.W.
CHESTERTON COMPANY, AMCHEM
PRODUCTS, INC., ARMSTRONG WORLD
INDUSTRIES, INC., ASBESTOS CLAIMS
MANAGEMENT CORPORATION,
BABCOCK & WILCOX COMPANY,
COMBUSTION ENGINEERING, INC., DOW
CHEMICAL COMPANY, DRESSER
INDUSTRIES, INC., FELITALLIC, INC.,
FLINTKOTE COMPANY, FOSTER
WHEELER CORP., GAF CORPORATION,
GARLOCK, INC., GEORGIA-PACIFIC
CORPORATION, HARBISON-WALKER
REFRATORIES CO., HONEYWELL
INTERNATIONAL, INC., JOHN CRANE,
INC., KAISER GYPSUM COMPANY, INC.,
METROPOLITAN LIFE INSURANCE
COMPANY, OWENS CORNING, OWENS-
ILLINOIS, INC., PITTSBURG CORNING
CORPORATION, QUIGLEY COMPANY,
INC., UNITED STATES GYPSUM
COMPANY, and VIACOM, INC.,

Defendants.

CIVIL CASE NO. CV05-00025

**DEFENDANT A.W. CHESTERTON
COMPANY'S MOTION TO DISMISS
THE CROSS-CLAIMS OF GARLOCK,
INC., VIACOM, INC. AND FOSTER
WHEELER CORPORATION;
DECLARATION OF SERVICE**

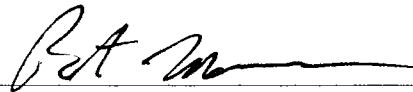
Defendant A.W. Chesterton Company ("Chesterton") moves the Court for dismissal of the Cross-Claims of Garlock, Inc., Viacom, Inc., and Foster Wheeler Corporation ("Cross-Claimants") on the grounds that the Court lacks of jurisdiction over the person of Chesterton, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, and that venue is not proper, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure.

This Motion is supported by the Memorandum of Points and Authorities filed with this Motion, the Plaintiffs' First Amended Complaint, the Cross-Claims of Cross-Claimants and the Affidavit of Richard Hoyle.

Chesterton requests that this Motion be set for oral argument at the convenience of the Court.

DATED: Hagåtña, Guam, December 9, 2005.

CARLSMITH BALL LLP



J.PATRICK MASON
Attorneys for Defendant
A.W. Chesterton Company

DECLARATION OF SERVICE

I, J.PATRICK MASON, hereby declare and state:

1. I am a United States citizen over the age of 18 years;
2. I am an Attorney of the law firm of Carlsmith Ball LLP.
3. On December 9, 2005, I will cause to be served a filed copy of the DEFENDANT

A.W. CHESTERTON COMPANY'S MOTION TO DISMISS THE CROSS-CLAIMS OF GARLOCK, INC., VIACOM, INC. AND FOSTER WHEELER CORPORATION (Filed December 9, 2005) by hand delivery to the following:

John S. Unpingco, Esq.
Benjamin B. Cassiday, III
Lujan, Unpingco, Aguigui & Perez, LLP
Suite 300, PDN Building
238 Archbishop Flores Street
Hagåtña, Guam 96910

Thomas C. Sterling, Esq.
Klemm Blair Sterling & Johnson, P.C.
Suite 1008, Pacific News Building
238 Archbishop Flores Street
Hagåtña, Guam 96910

David W. Dooley, Esq.
Dooley Roberts & Fowler, LLP
Suite 201, Orlean Pacific Plaza
865 South Marine Drive
Tamuning, Guam 96913

Anita P. Arriola, Esq.
Arriola, Cowan & Arriola
Suite 201, C&A Professional Building
259 Martyr Street
Hagåtña, Guam 96910

Louie J. Yanza, Esq.
Maher Yanza Flynn Timblin, LLP
115 Hesler Place, Ground Floor
Governor Joseph Flores Building
Hagåtña, Guam 96910

4. On December 9, 2005, I will also cause a copy of said documents to be served on the following by depositing same with the United States mail in sealed envelopes, postage prepaid, addressed as follows:

Laurie K. Anger, Esq.
John J. Petry, Esq.
Bruce A. Wagman, Esq.
Morgenstein and Jubelirer LLP
One Market Plaza

A.P. Green Industries, Inc.
c/o CT Corporation System
120 South Central Avenue
Clayton, MO 63105

Spear Street Tower
32nd Floor
San Francisco, California 94105

Armstrong World Industries, Inc.
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Dow Chemical Company
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Honeywell International, Inc.
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

A.P. Green Services, Inc.
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Asbestos Claims Management Corporation
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Dresser Industries, Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

GAF Corporation
c/o Prentice-Hall Corporation Systems, Inc.
2711 Centerville Road, Suite 400
Wilmington, DE 19808

United States Gypsum Company
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Babcock & Wilcox Company
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Flexitallic, Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, California 90017

Kaiser Gypsum Company, Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, California 90017

Amchem Products, Inc.
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Combustion Engineering, Inc.
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Flintkote Company
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Harbison-Walker Refractories Co.
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Owens Corning
c/o Corporation Trust Co.
1209 Orange Street
Wilmington, DE 19801

Pittsburgh Corning Corporation
800 Presque Isle Drive
Pittsburgh, PA 15239

Quigley Company, Inc.
c/o CT Corporation System
111 Eighth Avenue
New York, NY 10011

DATED: Hagåtña, Guam, December 9, 2005.

A handwritten signature in black ink, appearing to read "J. Patrick Mason", written over a horizontal line.

J.PATRICK MASON